

THE DECLINE OF THE ACLU

There are arguments for granting amnesty to American deserters and draft dodgers, but I for one do not desire to hear them from the lips of the American Civil Liberties Union. Which, needless to say, has appointed itself coordinator of the campaign for amnesty, notwithstanding that whether to grant amnesty to deserters is as unrelated to the business of a civil liberties union, as to the Sierra Club.

What we have is another in the tedious list of activities by the American Civil Liberties Union which betray its present orientation. It has become a left wing pressure group, whose concern for civil liberties is limited to the activities of its ideological friends, who are loosely defined as those who desire to destroy by any means American society as we recognize it.

A year ago, I requested aid from the ACLU in questioning the constitutionality of a labor union's requiring me (and others) to join it, before we are permitted to go before a television camera or radio microphone to express our views. The ACLU dragged its feet on the question for months and months, and finally declined to support the case, giving reasons as synthetic as its devotion to civil liberties. That was two months ago and, being parti pris, I did not then denounce the ACLU, but now, with the publication in Commentary Magazine, principal publication of the American Jewish Committee, of the devastating expose of "Politics & ACLU" by Professor Joseph Bishop of Yale, it is appropriate to bring it up. Indeed he does so himself: "...in none of the ninety-odd court cases listed in the most recent report of the Legal Director can it be said that ACLU is representing a right-wing client or cause... A....substantial problem was presented by William F. Buckley's contention that his First Amendment rights are violated by the insistence of the American Federation of Radio and Television Artists that he must pay dues to the Federation in order to conduct his TV program. If Mr. Buckley's purpose in asking ACLU's help in his suit was to embarrass it, he plainly succeeded, for the national board took nearly a year to make up its mind to turn down his request."

Mr. Bishop's examination of the ACLU's statements and behavior puts an end to the organization's pretensions. He gives example after example of the organization's extremism in pursuit of the liberties of anyone to move against the State and its laws.

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For instance, Mr. Bishop cites the arguments of the Union in behalf of the New York Times on the issue of the publication of the Pentagon papers. "...the most that ACLU's brief in the Supreme Court conceded, and that grudgingly, was that the government 'could conceivably' prevent publication of secret codes, designs of new military equipment, and plans for military operations -- but not if their publication would be 'of value in permitting citizens to render an informed judgment on public issues.'

"This criterion," comments Professor Bishop, "has a fine ring, but it would have permitted publication of the Allies' plans for the invasion of June 6, 1944 or Israel's plans for the air strike of June 5, 1967. Knowledge of either of these important government decisions would doubtless have contributed to informed public discussion of many issues, but I suspect that not even Justice Black, faced with such circumstances, would really have held that publication could not be restrained."

Mr. Bishop points out that the ACLU was everywhere, during the mad season in the colleges, to defend the rights of those who attempted to deny, and in many cases succeeded in doing so, the rights of others to speak. Such protests as the Union makes reek with formalism -- "an occasional letter to the newspapers expressing disapproval of some unusually outrageous disruption, such as the shouting down of pro-war speakers at Harvard last March. There have been no interventions, no briefs amici curiae, no press releases supporting authorities who tried to prevent or punish such violence."

The ACLU, supported by contributions of thousands of innocent people who really believe that they are engaged in helping civil liberties, is everywhere, pressing any cause -- like amnesty for deserters -- that is beloved of the left. It distributes free of charge encomiums to William Kunstler, who advocates criminal activity by dissenters. The sad tale is marvelously told, and reprints are available, at 50 cents, from Commentary, 165 East 56th Street, New York, 10022.

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